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EXAMINER
RUTLEDGE, AMELIA L

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 April 2008_.
2a)☐ This action is **FINAL**.　　　　2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _16,18-20, 22, 24-28, 30-36 and 38-43_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) _16,18-20 and 22_ is/are allowed.
6)☒ Claim(s) _24-28,30-36 and 38-43_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _26 November 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　　1.☐ Certified copies of the priority documents have been received.
　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to: Amendment, filed 04/28/2008; RCE, filed

04/28/2008; Supplemental Amendment, filed 08/01/2008.

2.   Claims 16, 18-20, 22, 24-28, 30-36, and 38-43 are pending. Claims 16, 24, 38,

and 41 are independent claims.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show

every feature of the invention specified in the claims.

The limitations of independent claim 16 are not shown in the drawings. New

corrected drawings in compliance with 37 CFR 1.121(d) are required in this application

because there are no drawings depicting the invention claimed in independent claim 16,

(described in Specification, p. 11, par. 0036-p. 13, par. 0041). In order for any allowance

to be issued from this application, drawings depicting the invention as claimed in claim

16 are required.

Applicant is advised to employ the services of a competent patent draftsperson

outside the Office, as the U.S. Patent and Trademark Office no longer prepares new

drawings. The corrected drawings are required in reply to the Office action to avoid

abandonment of the application. The requirement for corrected drawings will not be held

in abeyance.

Independent claims 24 and 38 contain the following limitations, in bold which are not shown in the drawings: *a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation*.

Claim 41 contains the following limitations, in bold, which are not shown in the drawings: *receiving a user selection of a group of photos, said group of images containing a first subset of photos having a landscape orientation and a second subset of photos having a portrait orientation;*

automatically selecting a layout configuration from a library of layout configurations, said automatically selected layout configuration having a total number of photos matching said selected group of photos, **a number of landscape oriented photos matching said number in said first subset, and a number of portrait oriented photos matching said number in said second subset, wherein said automatically selecting is not based on a user's particular identification of said automatically selected layout configuration;** *and*

displaying a photo album page having a background defined by said automatically selected layout configuration and having said selected group of photos applied to said selected layout configuration, wherein said first subset of photos are placed at locations on said photo album page that are defined for landscape oriented photos, and said second subset of photos are placed at locations on said photo album page that are defined for portrait oriented photos.

Therefore, the claimed features must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered, see new matter rejection of claims 24-36 and 38-43 under 35 U.S.C. 112, below.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 24-36 and 38-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding independent claim 24, which recites in part:... *wherein said selecting is based on a graphical user interface that enables user navigation of a hierarchical organization of a library of layout configurations based on a user specification of a total number of photos for said photo album page and a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation, said user specified total number of photos and said user specified first subset of said total number of photos having a landscape orientation and user specified second sublet of said total number of photos having a portrait orientation being used to generate a graphical listing of thumbnail images...*

The specification has been reviewed, and support is not found for the portions of the newly claimed limitations which are emphasized in bold type. The only reference to "portrait" or "landscape" is at p. 9 par. 0028 of the specification, which recites " For example, a structured hierarchy can be defined based on the number of photos, the orientation of the photos (e.g., portrait or landscape mode), the size of the photos, or any other element of categorization that would be recognizable to the user."

The cited portions of the specification does not provide support for the newly claimed limitations. The newly claimed limitations are directed to new matter which was not described in the specification at the time the application was filed.

Regarding dependent claims 25-28 and 30-36, claims 25-28 and 30-36 are rejected because they depend from independent claim 24 and incorporate the deficiencies of their base claim.

Regarding independent claim 38, which recites *...**receiving a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation**;*

*identifying those layout configurations in a library of layout configurations that contain said user specified total number of photos and **said user specified first subset of said total number of photos having a landscape orientation and said user specified second subset of said total number of photos having a portrait orientation**, wherein said library of layout configurations contains layout configurations with different total numbers of photos and different combinations of landscape and portrait oriented photos; ...*

The specification has been reviewed, and support is not found for the portions of the newly claimed limitations which are emphasized in bold type. The only reference to "portrait" or "landscape" is at p. 9 par. 0028 of the specification, which recites " For example, a structured hierarchy can be defined based on the number of photos, the orientation of the photos (e.g., portrait or landscape mode), the size of the photos, or

any other element of categorization that would be recognizable to the user." There is no

support found for a user specification of a subset of photos having a landscape

orientation, or a subset of photos having a portrait orientation.

The cited portions of the specification does not provide support for the newly

claimed limitations. The newly claimed limitations are directed to new matter which was

not described in the specification at the time the application was filed.

Regarding dependent claims 39 and 40, claims 39 and 40 are rejected

because they depend from independent claim 38 and incorporate the deficiencies of

their base claim.

Regarding independent claim 41, claim 41 recites ...*receiving a user*

selection of a group of photos, said group of images containing a first subset of

photos having a landscape orientation and a second subset of photos having a

portrait orientation;

automatically selecting a layout configuration from a library of layout

configurations, said automatically selected layout configuration having a total number of

photos matching said selected group of photos, **a number of landscape oriented**

photos matching said number in said first subset, and a number of portrait

oriented photos matching said number in said second subset, wherein said

automatically selecting is not based on a user's particular identification of said

automatically selected layout configuration; *and*

displaying a photo album page having a background defined by said

automatically selected layout configuration and having said selected group of

photos applied to said selected layout configuration, wherein said first subset of

photos are placed at locations on said photo album page that are defined for

landscape oriented photos, and said second subset of photos are placed at

locations on said photo album page that are defined for portrait oriented photos.

The specification has been reviewed, and support is not found for the portions of

the newly claimed limitations which are emphasized in bold type. The only reference to

"portrait" or "landscape" is at p. 9 par. 0028 of the specification, which recites " For

example, a structured hierarchy can be defined based on the number of photos, the

orientation of the photos (e.g., portrait or landscape mode), the size of the photos, or

any other element of categorization that would be recognizable to the user."

The cited portions of the specification does not provide support for the newly

claimed limitations. The newly claimed limitations are directed to new matter which was

not described in the specification at the time the application was filed.

Regarding dependent claims 42 and 43, claims 42 and 43 are rejected

because they depend from independent claim 41 and incorporate the deficiencies of

their base claim.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 24, 26-28, 30, 31, 34, 36, and 38-43 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Yang et al. ("Yang"), U.S. Patent No. 6,301,586

B1, issued October 2001, in view of Morris et al. ("Morris"), U.S. Patent No.

6,097,389 issued August 2000.

Regarding independent claim 24, Yang teaches a method for generating a

photo album page, comprising opening a photo album page on a computer screen and

assigning a background to said photo album page (col. 5, l. 41-col. 6, l. 45; col. 17, l. 45-

57; Fig. 16). Yang teaches *selecting a layout configuration for said photo album page,*

said layout configuration defining a number of photos to be included on said photo

album page, aspect ratios of said photos, and positioning of said photos on said photo

album page, wherein said selecting is based on a graphical user interface that enables

user navigation of a hierarchical organization of a library of layout configurations based

on a user specification of a total number of photos for said photo album page, since

Yang teaches a template wizard graphical user interface with a hierarchical organization

of a library of layout configurations based on a number of photos specified by a user

(Figs. 13, 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3; col. 5, l. 41-col. 6, l. 45). Yang

teaches placing a plurality of photos on said photo album page at locations defined by

the selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3).

Figs. 14 and 21 of Yang disclose radio buttons in a "number of Pictures per Page"

dialog, allowing the user to select a number of pictures per page, and a "Picture Layout"

dialog, allowing selection of a Horizontal, Vertical, or Diagonal Layout.

Yang teaches a GUI for, *a user specification of a first subset of said total number of photos having a landscape orientation and a second subset of said total number of photos having a portrait orientation,* because Yang discloses that a user can set the page orientation for each template, either portrait or landscape (Fig. 12, col. 15, l. 14-7). While Yang does not explicitly teach rotating the photo orientation, Morris teaches changing the photo orientation by rotating the photo, i.e., portrait or landscape (col. 7, l. 37-45).

Yang teaches *said user specified first subset of said total number of photos having a landscape orientation and user specified second subset of said total number of photos having a portrait orientation being used to generate a graphical listing of thumbnail images representing a selectable subset of said library of layout configurations,* because Yang teaches that the user specified number of photos is used to generate a graphical listing of thumbnail images representing a subset of said library of layout configurations, said subset of said library of layout configurations supporting only those layout configurations having said user specified number of photos (col. 17, l. 31-42; Fig. 14). Yang teaches placing a plurality of photos on said photo album page at locations defined by said selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3).

Yang suggests but does not explicitly teach *said selectable subset of said library of layout configurations supporting only those layout configurations having said user specified total number of photos and said user specified first subset of said total number of photos having a landscape orientation and said user specified second subset of said*

total number of photos having a portrait orientation; because while Yang teaches a GUI

of selectable thumbnail images depicting layout configurations, Yang does not explicitly

teach that the thumbnail images are updated to depict only the user specified number of

photos (col. 16, l. 1-6). However, Morris teaches displaying a selectable subset of

layout and style configurations having a user specified total number of photos, and

Morris teaches placing the photos into the selected layout and allowing the user to

either keep the portrait or landscape orientation of the picture or rotate the picture (col.

5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

Both Yang and Morris are directed to photo display and editing software systems.

It would have been obvious to one of ordinary skill in the art to apply the dialog selection

disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang

disclosed selectable graphical user interface dialog windows, with well known graphical

user interface elements including thumbnail images, selection lists, displays and

buttons, therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine known prior art elements (displaying the selectable

subset of layout configurations of Morris, using the thumbnail image method of Yang) to

achieve predictable results.

Regarding dependent claims 26-28, Yang teaches selecting a background

from a library of backgrounds that are represented by thumbnail images, assigning a

background image to the photo album page, and assigning a solid color background to

the page (Fig. 16; col. 17, l. 45-57).

Regarding dependent claim 30, while Yang suggests placeholders because Yang discloses predefined templates with layout for pictures, Morris teaches selecting a layout configuration from a hierarchical library of templates including placeholders (i.e., "slots") for photo images (Fig. 4).

Both Yang and Morris are directed to photo display and editing software systems. It would have been obvious to one of ordinary skill in the art to apply the dialog selection disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang disclosed selectable graphical user interface dialog windows, with well known graphical user interface elements including thumbnail images, selection lists, displays and buttons, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine known prior art elements (displaying the selectable subset of layout configurations of Morris, using the thumbnail image method of Yang) to achieve predictable results.

Regarding dependent claim 31, Yang teaches defining sizes and positions of text entries (col. 15, l. 30-36).

Regarding dependent claim 34, while Yang suggests placeholders because Yang discloses predefined templates with layout for pictures, Morris teaches selecting a layout configuration from a hierarchical library of templates including placeholders (i.e., "slots") for photo images (Fig. 4).

Both Yang and Morris are directed to photo display and editing software systems. It would have been obvious to one of ordinary skill in the art to apply the dialog selection disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang

disclosed selectable graphical user interface dialog windows, with well known graphical

user interface elements including thumbnail images, selection lists, displays and

buttons, therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine known prior art elements (displaying the selectable

subset of layout configurations of Morris, using the thumbnail image method of Yang) to

achieve predictable results.

Regarding dependent claim 36, Yang teaches defining size and orientation for

the photos (col. 5, l. 41-col. 6, l. 45).

Regarding independent claim 38, Yang discloses *a photo album page*

generating method, comprising: receiving a user specification of a total number of

photos to be displayed on a photo album page; Yang teaches a template wizard

graphical user interface with a hierarchical organization of a library of layout

configurations based on a number of photos specified by a user (col. 17, l. 31-42; Fig.

14, 21). Yang teaches placing a plurality of photos on said photo album page at

locations defined by said selected layout configuration (Figs. 14, 15; col. 15, l. 50-col.

17, l. 42; Table 3).

Yang teaches *receiving a user specification of a first subset of said total number*

of photos having a landscape orientation and a second subset of said total number of

photos having a portrait orientation; because Yang discloses that a user can set the

page orientation for each template, either portrait or landscape (Fig. 12, col. 15, l. 14-7).

While Yang does not explicitly teach rotating the photo orientation, Morris teaches

changing the photo orientation by rotating the photo, i.e., portrait or landscape (col. 7, l.
37-45).

Yang teaches *identifying those layout configurations in a library of layout*
configurations that contain said user specified total number of photos and said user
specified first subset of said total number of photos having a landscape orientation and
said user specified second subset of said total number of photos having a portrait
orientation, wherein said library of layout configurations contains layout configurations
with different total numbers of photos and different combinations of landscape and
portrait oriented photos, because Yang teaches that the user specified number of
photos is used to generate a graphical listing of thumbnail images representing a subset
of said library of layout configurations, said subset of said library of layout configurations
supporting only those layout configurations having said user specified number of photos
(col. 17, l. 31-42; Fig. 14). Yang teaches placing a plurality of photos on said photo
album page at locations defined by said selected layout configuration (Figs. 14, 15; col.
15, l. 50-col. 17, l. 42; Table 3).

Yang does not explicitly teach *displaying, in a graphical user interface, a plurality*
of thumbnail images representative of only said identified layout configurations, wherein
said displayed thumbnail images are individually selectable by a user to apply a pre-
defined photo layout onto a photo album page; however Yang does disclose displaying
a plurality of thumbnail images representing layout configurations in a graphical user
interface (Fig. 14, 21). Figs. 14 and 21 of Yang disclose radio buttons in a "number of
Pictures per Page" dialog, allowing the user to select a number of pictures per page,

and a "Picture Layout" dialog, allowing selection of a Horizontal, Vertical, or Diagonal

Layout, that Yang discloses a selectable subset of the library of layout configurations.

The relevant text in Yang's disclosure recites that the dialog will show sketches of

two pictures displayed in the layout configurations horizontally, vertically, or diagonally

and that the sketches will not change based on the number of pictures per page (col.

14, l. 53-col. 16, l. 6; Table 3). Yang discloses a library of layout configurations in col.

16, Table 3, but does not disclose displaying the library of configurations as a plurality of

thumbnail images. Morris is relied upon to disclose displaying a selectable subset of

layout and style configurations having a user specified total number of photos, and

Morris teaches placing the photos into the selected layout and allowing the user to

either keep the portrait or landscape orientation of the picture or rotate the picture (col.

5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

Both Yang and Morris are directed to photo display and editing software systems.

It would have been obvious to one of ordinary skill in the art to apply the dialog selection

disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang

disclosed selectable graphical user interface dialog windows, with well known graphical

user interface elements including thumbnail images, selection lists, displays and

buttons, therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to combine known prior art elements (displaying the selectable

subset of layout configurations of Morris, using the thumbnail image method of Yang) to

achieve predictable results.

Regarding dependent claim 39, Yang teaches wherein a layout configuration specifies a placement of photos and an aspect ratio of said photos (col. 16, l. 1-58; col. 19, l. 2-col. 20, l. 28) because the configuration tables specify size and orientation of photos, as well as placement on the page. The definition of aspect ratios is implicitly disclosed since each album has a database entry defining an aspect ratio, see Table 1.

Regarding dependent claim 40, Yang teaches wherein said automatically selected layout configuration specifies a placement of photos (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3). While Yang does not explicitly teach that the layout configuration specifies an aspect ratio of said photos, Morris teaches that the layout configuration specifies an aspect ratio of said photos (col. 5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

Both Yang and Morris are directed to photo display and editing software systems. It would have been obvious to one of ordinary skill in the art to apply the dialog selection disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang disclosed selectable graphical user interface dialog windows, with well known graphical user interface elements including thumbnail images, selection lists, displays and buttons, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine known prior art elements (displaying the selectable subset of layout configurations of Morris, using the thumbnail image method of Yang) to achieve predictable results.

Regarding independent claim 41, Yang teaches *a photo album page generating method, comprising: receiving a user selection of a group of photos, said*

group of images containing a first subset of photos having a landscape orientation and a

second subset of photos having a portrait orientation; because Yang discloses that a

user can set the page orientation for each album template, either portrait or landscape

(Fig. 12, col. 15, l. 14-7). While Yang does not explicitly teach rotating the photo

orientation, Morris teaches changing the photo orientation by rotating the photo, i.e.,

portrait or landscape (col. 7, l. 37-45).

Yang teaches *automatically selecting a layout configuration from a library of*

layout configurations, said automatically selected layout configuration having a total

number of photos matching said selected group of photos, a number of landscape

oriented photos matching said number in said first subset, and a number of portrait

oriented photos matching said number in said second subset, because Yang teaches

that the user specified number of photos is used to generate a graphical listing of

thumbnail images representing a subset of said library of layout configurations, said

subset of said library of layout configurations supporting only those layout configurations

having said user specified number of photos (col. 17, l. 31-42; Fig. 14). Yang teaches

placing a plurality of photos on said photo album page at locations defined by said

selected layout configuration (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3). Yang

teaches automatically selecting a layout configuration from a library of layout

configurations, because Yang teaches that a user can select a pre-defined template

(col. 15, l. 14-50).

Yang suggests *wherein said automatically selecting is not based on a user's*

particular identification of said automatically selected layout configuration; and

displaying a photo album page having a background defined by said automatically

selected layout configuration and having said selected group of photos applied to said

selected layout configuration, because Yang teaches that a user can select a pre-

defined template (col. 15, l. 14-50). However, Yang does not explicitly teach that the

template automatically includes the user selected subsets of landscape and portrait

oriented photos; Morris teaches automatically selecting such a layout configuration (col.

5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

While Yang does not explicitly teach *wherein said first subset of photos are*

placed at locations on said photo album page that are defined for landscape oriented

photos, and said second subset of photos are placed at locations on said photo album

page that are defined for portrait oriented photos; Morris expressly teaches retaining the

photo orientation of an ordered list of photos on the photo album page (col. 7, l. 11-37),

and Morris teaches displaying a selectable subset of layout and style configurations

having a user specified total number of photos, and Morris teaches placing the photos

into the selected layout and allowing the user to either keep the portrait or landscape

orientation of the picture or rotate the picture (col. 5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

Both Yang and Morris are directed to photo display and editing software systems.

It would have been obvious to one of ordinary skill in the art to apply the automatically

selected photo album layout configuration disclosed in Morris (col. 5, l. 25-63; col. 7, l.

10-29; Fig. 12A), to the system of Yang, since Yang disclosed automatic layout with

templates (col. 15, l. 14-50), and Morris disclosed the function of automating the

selection of album layouts by applying the selected layout to the whole album, thereby it

would have been obvious to one of ordinary skill in the art at the time of the invention to apply Morris to Yang, thereby using a known technique in the prior art to improve similar products. Further, it has been held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art, see In re Venner, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Regarding dependent claim 42, Yang teaches wherein said automatically selected layout configuration specifies a placement of photos (Figs. 14, 15; col. 15, l. 50-col. 17, l. 42; Table 3). While Yang does not explicitly teach that the layout configuration specifies an aspect ratio of said photos, Morris teaches that the layout configuration specifies an aspect ratio of said photos (col. 5, l. 25-63; col. 7, l. 10-29; Fig. 12A).

Both Yang and Morris are directed to photo display and editing software systems. It would have been obvious to one of ordinary skill in the art to apply the dialog selection disclosed in Morris (Fig. 12A) to the system of Yang, since both Morris and Yang disclosed selectable graphical user interface dialog windows, with well known graphical user interface elements including thumbnail images, selection lists, displays and buttons, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine known prior art elements (displaying the selectable subset of layout configurations of Morris, using the thumbnail image method of Yang) to achieve predictable results.

Regarding dependent claim 43, Yang teaches *wherein said automatically selected layout configuration specifies sizes and positions of text entries* (col. 15, l. 30-36).

4.   **Claims 25, 32, 33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Morris as applied to claims 24, 26-28, 31, and 36 above, and further in view of Angiulo et al. (hereinafter "Angiulo"), U.S. Patent No. 6,964,025 B2, published September 2002, issued November 2005.**

Regarding dependent claim 25, while Yang in view of Morris does not explicitly teach opening a blank page, Angiulo teaches opening a blank page for a web photo gallery if no images are present in the images list (col. 9, l. 60-67).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Morris, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 32 and 33, while Yang in view of Morris teaches drag and drop functionality which suggests dragging and dropping a photo onto the page, Angiulo teaches dragging and dropping and copying and pasting photos to a web photo gallery (col. 3, l. 25-55).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Morris, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Regarding dependent claim 35, while Yang in view of Morris does not explicitly teach adjusting dimensions of a frame border and a photo relative to each other, Angiulo teaches automatically adjusting dimensions of a frame border and a photo relative to each other (Fig. 9).

All three inventions are directed toward software for creating web photo galleries and photo album templates. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the web photo gallery generation method of Angiulo having drag and drop and advanced editing functionality, with the automated method for generating a photo album page taught by Yang in view of Morris, in order to allow the user additional user interface options for editing the page (Angiulo col. 20, l. 4-36).

Allowable Subject Matter

1.   Claims 16, 18-20, and 22 are allowed.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection includes the Morris patent, which is being relied upon to teach the newly claimed limitations of independent claims 24, 38, and 41.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMELIA RUTLEDGE whose telephone number is (571)272-7508. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Amelia Rutledge/
Examiner, Art Unit 2176